

### IN THE CLAIMS

1. (Currently Amended) An isolated nucleic acid, wherein said nucleic acid comprises the [[a]] sequence as set forth in SEQ ID NO:9 or is complementary to SEQ ID NO:9.
2. (Previously Presented) The isolated nucleic acid of Claim 1, wherein said nucleic acid encodes a protein having virulent biological activity.
3. (Previously Presented) The isolated nucleic acid of Claim 1, wherein a vector comprises said sequence.
4. (Previously Presented) The isolated nucleic acid of Claim 3, wherein a host cell comprises said vector.
5. (Canceled).
6. (Previously Presented) The isolated nucleic acid of Claim 1, wherein said sequence comprises a contiguous reading frame from about residue 887 to 1500 of SEQ ID NO:9.
7. (Previously Presented) The isolated nucleic acid of Claim 6, wherein said complement specifically hybridizes to said contiguous reading frame in an *L. monocytogenes* strain selected from the group consisting of *L. monocytogenes* ATCC 19111 serovar 1, *L. monocytogenes* ATCC 19112 serovar 2, *L. monocytogenes* ATCC 19113 serovar 3, *L. monocytogenes* ATCC 19115 serovar 4b, *L. monocytogenes* ATCC 19116 serovar 4c, *L. monocytogenes* ATCC 19116 serovar 4d, *L. monocytogenes* ATCC 19118 serovar 4e, *L. monocytogenes* ATCC 15313 serovar 1, *L. monocytogenes* EDG (NCTC 7973) serovar 1/2a, *L. monocytogenes* HCC7 serovar 1, *L. monocytogenes* HCC8 serovar 1, *L. monocytogenes* 168, *L. monocytogenes* 180, *L. monocytogenes* 418, *L. monocytogenes* 742, *L. monocytogenes* 874, *L. monocytogenes* 1002, *L. monocytogenes* 1084, and *L. monocytogenes* 1400.

8. (Previously Presented) The isolated nucleic acid of Claim 7, wherein said contiguous reading frame encodes an amino acid sequence 203 residues in length.

9. (Previously Presented) The isolated nucleic acid of Claim 1, wherein said sequence hybridizes to residues 479-1500 of SEQ ID NO:9.

10. (Previously Presented) The isolated nucleic acid of Claim 9, wherein said hybridizing sequence is SEQ ID NO:27.

11. (Canceled).

12. (Previously Presented) The isolated nucleic acid of Claim 1, wherein said sequence hybridizes to the complement of residues 887-900 of SEQ ID NO:9.

13. (Previously Presented) The isolated nucleic acid of Claim 12, wherein said hybridizing sequence is SEQ ID NO:26.

14. (Currently Amended) An isolated nucleic acid complex comprising:

a) at least two primers, wherein one of said at least two primers comprises the [[a]] sequence as set forth in SEQ ID NO:26 or SEQ ID NO:27; and

b) a nucleic acid comprising [[a]] the sequence as set forth in SEQ ID NO:9, wherein said nucleic acid is isolated from an *L. monocytogenes* strain.

15-39. (Canceled).

40. (Previously Presented) The isolated nucleic acid complex of Claim 14, wherein said *L. monocytogenes* strain is selected from the group consisting of *L. monocytogenes* ATCC 19111 serovar 1, *L. monocytogenes* ATCC 19112 serovar 2, *L. monocytogenes* ATCC 19113 serovar 3, *L. monocytogenes* ATCC 19115 serovar 4b, *L. monocytogenes* ATCC 19116 serovar 4c, *L. monocytogenes* ATCC 19116 serovar 4d, *L. monocytogenes* ATCC 19118 serovar 4e, *L. monocytogenes* ATCC 15313 serovar 1, *L. monocytogenes* EDG (NCTC 7973) serovar 1/2a, *L.*

*monocytogenes* HCC7 serovar 1, *L. monocytogenes* HCC8 serovar 1, *L. monocytogenes* 168, *L. monocytogenes* 180, *L. monocytogenes* 418, *L. monocytogenes* 742, *L. monocytogenes* 874, *L. monocytogenes* 1002, *L. monocytogenes* 1084, and *L. monocytogenes* 1400.